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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,865	03/29/2004	Robert J. Schramek	1441.02	2864
21901	7590	09/10/2004	EXAMINER	
SMITH & HOPEN PA 15950 BAY VISTA DRIVE SUITE 220 CLEARWATER, FL 33760			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/708,865		SCHRAMEK, ROBERT J.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Cassandra Davis		3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6,7,9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shioiri et al., Japanese Patent JP 09315271 A. Shioiri teaches an acknowledgement device for windshield wipers comprising a first display tool 11 attached to the innermost end of the wiper arm at the first end near the radially innermost end utilizing a bracket 15 and attached to the outermost end of the wiper arm at the second end near the radially outermost end utilizing a second bracket 15. (See figures 1a-b and 2a-b). The first display tool 1 is in the form of a hat 14 held by a hand 13. Shioiri also teaches a fixed device in the form of a face 12. In operation the hat is taken away from and taken back to the face when a rear windshield wiper switch is operated.

3. Claims 1, 5, and 8 rejected under 35 U.S.C. 102(b) as being anticipated by Gaul, U. S. Patent 5,933,991. Gaul teaches a decorative attachment for wiper device comprising an windshield wiper assembly B, E, F of a vehicle, a first part 10 secured to a wiper arm at a first end of near a radially innermost end of the wiper arm utilizing an attachment 16 (left member 16 in figure 2). The first part 10 is also secured to a second end of the wiper arm near a radially outermost end of the wiper arm utilizing a second

attachment 16 (right member 16 in figure 2). The first part 10 is attached such that oscillation of the wiper arm causes conjoint motion of the first part.

4. With respect to claim 5, the attachments 16 comprise a first bracket member 20 and a second bracket member 26.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shioiri in view of Kosowan, U. S. Patent 5,080,941. Kosowan teaches display ornament for attachment to the automobile comprising sheet 10 including front surface 11 and rear surface 12 each carrying printed indicia 13. The sheet is secured to the automobile utilizing a suction cup 16. It would have been obvious to one having ordinary skill in the art at the time this invention was made to attach the first display tool 11 of the device made by Shioiri utilizing suction cups as taught by Kosowan to provide a means removably attach the device to an automobile.

7. With respect to claim 4, it would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a pair of suction cups to securely retain spaced ends of the parts of the first display tool.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shioiri in view of Romaine, U. S. Patent 4,953,315. Romaine teaches display device for

attachment to the automobile comprising case 14 and a pair of spaced suction cups 30 for securing the case to the automobile. It would have been obvious to one having ordinary skill in the art at the time this invention was made to attach the first display tool of the device made by Shioiri utilizing spaced suction cups as taught by Romaine to provide a means removably attach the device to an automobile.

***Allowable Subject Matter***

9. Claims 6, 7, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U. S. Patents are cited to show devices attached with windshield wipers: 5,715,620; 2,387,953; 3,231,951.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
September 5, 2004